

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

GOOD RIVER FARM, LP

Plaintiff,

v.

MARTIN MARIETTA
MATERIALS, INC.; and
TXI OPERATIONS, LP

Defendants.

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1:17-CV-01117-RP

FILED
AUG 24 2022
CLERK, U.S. DISTRICT CLERK
WESTERN DISTRICT OF TEXAS
BY [Signature]

VERDICT FORM

QUESTION NO. 1

Did Defendants intentionally create a private nuisance?

Answer "Yes" or "No."

Answer:

No.

QUESTION NO. 2

Did Defendants negligently create a private nuisance?

Answer "Yes" or "No."

Answer:

No.

If you answered "yes" to Question 1 and/or 2, then answer Question 3. Otherwise, do not answer Question 3.

QUESTION NO. 3

Did the private nuisance, if any, of Defendants proximately cause the injury to Plaintiff's property on or around October 30, 2015?

Answer "Yes" or "No."

Answer:

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QUESTION NO. 4

Do you find that the Defendants diverted or impounded the natural flow of surface waters in a manner that proximately caused damage to Plaintiff's property?

Answer "Yes" or "No."

Answer:

yes.

QUESTION NO. 5

Did the negligence, if any, of those named below proximately cause the injury to Plaintiff's property on or around October 30, 2015?

Answer "Yes" or "No" for each of the following:

Defendants Martin Marietta Materials, Inc.

yes.

and TXI Operations, LP

Plaintiff Good River Farms, LP

No.

If you answered "yes" to Question 5 for more than one of those named below, then answer Question 6. Otherwise, do not answer Question 6.

QUESTION NO. 6

Assign percentages of responsibility only to those you found caused or contributed to the injury. The percentages you find must total 100 percent. The percentages must be expressed in whole numbers. The percentage of responsibility attributable to any one is not necessarily measured by the number of acts or omissions found.

For each person you found caused or contributed to cause the injury, find the percentage of responsibility attributable to each:

Defendants Martin Marietta Materials, Inc. 100 %

and TXI Operations, LP

Plaintiff Good River Farms, LP 0 %

Total 100 %

If you answered "yes" to Question 3 and/or Question 4, and/or "yes" to Defendants in Question 5, then answer Question 7. Otherwise, do not answer Question 7.

QUESTION NO. 7

What sum of money, if paid now in cash, would fairly and reasonably compensate Plaintiff for damages, if any, to its property resulting from the occurrence in question?

Answer in dollars and cents for damages, if any.

Answer: \$ 659,882 00

SIGNED this 24th day of August, 2022.